

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE**

MINUTES

JUNE 26, 2012

The scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, June 26, 2012 at 3:18 p.m., in Committee Room #2**. The following members were present:

**The Honorable Michael J. Bond, Chair
The Honorable H. Lamar Willis, Vice-Chair
The Honorable C. T. Martin
The Honorable Alex Wan**

The following members were absent:

**The Honorable Ivory L. Young, Jr.
The Honorable Cleta Winslow
The Honorable Joyce Sheperd**

Others present at the meeting were: Deputy City Attorney, Eric Richardson, Amber Robinson, Claude Cole, Law Department; Deputy Chiefs John Dalton and Ericka Shields, Major Cerelyn J. Davis, Police Department; Deputy Chief, Wilmond Meadows, Atlanta Fire and Rescue; media, public and council staff.

Chairman Bond called the meeting to order at 3:18 p.m. after declaring a quorum present. He then proceeded with the following order of business:

A. ADOPTION OF AGENDA – ADOPTED

B. APPROVAL OF MINUTES - APPROVED

**C. STATUS UPDATE – Next Meeting
Code Enforcement Update – Major C. J. Davis**

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CONSENT

D. RESOLUTIONS

Claims with favorable recommendations:

- 12-R-0852 (1) Claim of **Yolanda Isom, through her attorneys, Delisa Williams, P. C. and Princewill O. Aneke, LLC (DPW/09)**, for bodily injury alleged to have been sustained from an automobile accident on December 6, 2011 at 1944 Donald Lee Hollowell Parkway. **\$6,500.00**
- 12-R-0853 (2) Claim of **Daniel Simmons (DWM/05)**, for property damages alleged to have been sustained from a sanitary sewer backup on May 16, 2010 at 1467 Woodbine Avenue. **\$5,500.00**
- 12-R-0854 (3) Claim of **Tonya Canty-Thacker (DWM/02)**, for bodily injury alleged to have been sustained after stepping into an open water meter on May 16, 2010 at 1080 Euclid Avenue. **\$5,868.00**
- 12-R-0855 (4) Claim of **Nicole Brinson (AFR/04)**, for property damage alleged to have been sustained from an automobile accident on October 11, 2011 at Metropolitan Parkway and Dill Avenue. **\$5,828.10**
- 12-R-0856 (5) Claim of **Kandyda Morton, through her attorney, Cynthia H. Miller, P. C. (DPM/04)**, for bodily injuries alleged to have been sustained from driving over an uncovered manhole on May 23, 2011 at 729 Cascade Avenue. **\$4,500.00**
- 12-R-0857 (6) Claim of **GEICO Insurance Company, as subrogee of James Adams (DPW/03)**, for property damage sustained as a result of a vehicular accident on August 18, 2011 at 73 Anderson Avenue. **\$3,659.57**
- 12-R-0858 (7) Claim of **Quinn Tucker (APD/05)**, for property damage alleged to have been sustained from an automobile accident on March 22, 2012 at 2025 Hosea L. Williams Drive. **\$2,449.29**
- 12-R-0859 (8) Claim of **Kathryne Deguardiola (DWM/11)**, for property damage alleged to have been sustained from driving over a metal plate on December 4, 2011 at 3182 Habersham Road. **\$1,955.08**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 12-R-0860 (9) Claim of **Amy Soeldner (AFR/09)**, for property damage alleged to have been sustained from an automobile accident on February 22, 2012 at 2315 Donald Lee Holloway Parkway. **\$1,641.03**
- 12-R-0861 (10) Claim of **Kevin Adkins, through his attorney, Delisa Williams, P.C. (DPW/09)**, for bodily injury alleged to have been sustained from an automobile accident on December 6, 2011 at 1944 Donald Lee Holloway Parkway. **\$1,300.00**
- 12-R-0862 (11) Claim of **Monodeep Mitra (DWM/07)**, for property damage alleged to have been sustained after a sewer backup on February 26, 2012 at 709 East Paces Ferry Road. **\$1,285.00**
- 12-R-0863 (12) Claim of **Patrick Onuoha (DWM/05)**, for property damage and personal injury sustained as a result of a vehicular accident on July 6, 2010 at Interstate 85 at Freedom Parkway. **\$1,224.57**
- 12-R-0864 (13) Claim of **Norman Andrews (APD/02)**, for property damage sustained as a result of a vehicular accident on January 14, 2012 at 275 Pryor Street. **\$1,007.00**
- 12-R-0865 (14) Claim of **Charles Smith (DPW/09)**, for property damage alleged to have been sustained from driving over a pothole on September 28, 2011 at Woods Drive and Bellview Avenue. **\$950.00**
- 12-R-0866 (15) Claim of **Dorothy Whatley (APD/10)**, for damage alleged to have been sustained from an automobile accident on May 7, 2012 at 2479 Abner Terrace. **\$932.25**
- 12-R-0867 (16) Claim of **Ronald Taylor (DPW/12)**, for damage alleged to have been sustained from an automobile accident on March 12, 2012 at Mecaslin Street and Richards Street. **\$612.49**
(Councilmember Bond made a motion to file)
FILE

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 12-R-0868 (17) Claim of **Teresa Culpepper, through her attorney, John Merchant (APD/03)**, for damages alleged to have been sustained as a result of an arrest on August 21, 2011 at 962 Ashby Circle.
- 12-R-0869 (18) Claim of **Alison Griswell, through her attorney, Michael S. Waldrop, Waldrop & Bootcheck, LLC (APD/07)**, for bodily injury alleged to have been sustained from an arrest on March 12, 2010 at Interstate 85 and Buford Highway.
- 12-R-0870 (19) Claim of **Jean Brown (NA/02)**, for property damage alleged to have been sustained as a result of striking the curb on June 23, 2011 at 1660 Peachtree Street.
- 12-R-0871 (20) Claim of **Heath McSwain (DPW/05)**, for property damage alleged to have been sustained as a result of a vehicular accident on March 23, 2011 at 4605 Fulton Industrial Boulevard.
- 12-R-0872 (21) Claim of **Kary Noeth (DPW/08)**, for property damage sustained from striking a trash receptacle on September 2, 2010 at 1800 Mt. Paran Road.
- 12-R-0873 (22) Claim of **Deborah Nothelfer (DWM/02)**, for personal injury alleged to have been sustained on August 1, 2010 at 1158 Euclid Avenue.
- 12-R-0874 (23) Claim of **Bensie Watkins, through her attorney, Foy & Associates (DWM/04)**, for personal injury alleged to have been sustained on March 13, 2010 at 1233 Kenilworth Drive.
(Councilmember Martin made a motion to approve Items D1-D15, D17-D23)

FAVORABLE

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E. ORDINANCE FOR FIRST READING

- 12-O-0885 (1) An Ordinance by Public Safety and Legal Administration Committee to accept a Sub-Grant from the Georgia Emergency Management Agency ("GEMA"), to aid the City of Atlanta's ongoing efforts to protect itself from terrorist attacks, through the purchase of specialized supplies and equipment for the Department of Police ("Department"), an to amend the 2012 (Intergovernmental Grant Fund) Department Police Budget, by adding to anticipations and appropriations in the amount of \$1,250,000.00; and for other purposes.

**TO BE REFERRED TO PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE**

REGULAR

F. ORDINANCES FOR SECOND READING

- 12-O-0899 (1) An Ordinance by Councilmember Felicia A. Moore to ratify and affirm the purchase and sale agreement establishing the terms and conditions of purchase by the City of Atlanta of real property for the purpose of constructing a new Fire Station 22 located at 843 and 855 Hollywood Road in Land Lot 176 of the 14th District, Fulton County, Georgia; to ratify and affirm the acquisition of such property in an amount not to exceed \$443,363.58; costs associated with the acquisition to be paid from Fund, Department Organization and Account Number and PTAE0 Number listed; and for other purposes.
(Councilmember Wan made a motion to approve)

FAVORABLE

- 12-O-0900 (2) An Ordinance by Councilmembers Felicia A. Moore and Natalyn M. Archibong to amend Chapter 18, Article III (Animal Control) of the City of Atlanta Code of Ordinances by activating Code Sections 18-70 and 18-131 (Both Being Currently Reserved) so as to make unlawful the use of "Bullhooks" or other similar devices on elephants; to waive conflicting ordinances; and for other purposes.
(Councilmember Bond made a motion to hold)

HELD

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G. RESOLUTIONS

- 12-R-0886 (1) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of Wendy Lockett v. City of Atlanta, Civil Action File Number 2009EV007775D, pending in Fulton County State Court, in the amount of \$475,000.00 (The "Settlement Amount"); authorizing the settlement amount to be charged to and paid from Fund, Center Number, Account and Functional Activity Number listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
(Councilmember Bond made a motion to file)

FILE

- 12-R-0887 (2) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of Joanne C. Smith v. City of Atlanta, Civil Action File Number 1:11-CV-1956-CAP, United States District Court, Northern District of Georgia, Atlanta Division in the amount of \$80,000.00; authorizing said payment of \$80,000.00 to be charged to and paid from Fund, Center Number, Account and Functional Activity Number listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
(Councilmember Wan made a motion to approve)

FAVORABLE

- 12-R-0888 (3) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to enter into a new Lease Agreement with Vine City Plaza I LLC, for the rental of 1707 square feet of office space located at 612 Magnolia Street, Atlanta, Georgia, for the Department of Police Zone one investigations Mini precinct, from the period of September 1, 2012, until August 31, 2015, at a rental rate of \$1.00 for the year, to be charged to and paid from Fund, Account and Center Number listed; and for other purposes.
(Councilmember Wan made a motion to approve)

FAVORABLE

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H. PAPERS HELD IN COMMITTEE

- 10-R-0137 (1) A Resolution by Councilmembers Natalyn M. Archibong and C. T. Martin requesting that City Council authorize a Forensic Audit should be conducted as a result of the findings and recommendations from the Audit Report of the Public Safety Facilities Construction and the Sale of City Hall East; and for other purposes. **(Held 1/12/10 for a Joint Work Session with Finance/Executive Committee and Committee on Council) (Work Session held 2/3/10)**
- 10-O-0397 (2) An Ordinance by Councilmember H. Lamar Willis **as substituted by Public Safety and Legal Administration Committee** amending Section 162-227 and Section 162-232 of the City of Atlanta Code of Ordinances so as to establish fees for the administrative costs associated with nonconsensual motor vehicle towing; and for other purposes. **(Public Hearing held 4/27/10) (Substituted and held 4/27/10 for further evaluation and review)**
- 10-O-0399 (3) An Ordinance by Councilmember Ivory L. Young, Jr. to amend Article XXIII, ("Vending on Public Property") of Chapter 30, ("Businesses"), Section 30-1436 ("Disabled Veterans"), of the Code of Ordinances of the City of Atlanta, Georgia, so as to expressly exempt Disabled Veterans from participation in the Public Vending Management Program; and for other purposes. **(Held 2/23/10 for further review)**
- 10-O-0728 (4) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 30, Article VIII, of the City of Atlanta Code of Ordinances to clearly distinguish between legitimate Escorts holding permits issued by the City of Atlanta under its police powers, and persons who perform Criminal Acts as determined by State Law; and for other purposes. **(Held 5/11/10 for further review)**
- 10-R-0855 (5) Claim of **Ron Tusso**, for damages alleged to have been sustained as a result of a sewer backup on November 10, 2009 at 1850 Memorial Drive. **(Held 5/11/10 for further review by the Law Department)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 10-O-1173 (6) An Ordinance by Councilmembers Ivory L. Young, Jr. and C. T. Martin imposing a Ninety (90) Day Moratorium on the City's Public Property Vending Program; to create a subcommittee to study and review the operation of the Public Property Vending Program; to waive conflicting ordinances; and for other purposes. **(Referred back from Council 7/19/10) (Held 7/27/10 for further review)**
- 10-O-1342 (7) An Ordinance by Councilmembers Kwanza Hall, Michael J. Bond, Aaron Watson, Alex Wan, C. T. Martin, Felicia A. Moore and Ivory L. Young, Jr. to amend Chapter 10, Article II, Division 3 of the Code of Ordinances of the City of Atlanta, Georgia by creating a new Section 10-130 to be entitled "Extended Hours Permit Pilot Program"; to temporarily waive the provisions of Chapter 10, Article II, Section 10-209 (c) and (d) of the Code of Ordinances in the Edgewood Avenue/Auburn Avenue District of the City so as to allow for a Pilot Program to examine the impact of extending the permissible hours for establishments authorized to sell alcoholic beverages for on-premises consumption; to define the boundaries of the Edgewood Avenue/Auburn Avenue District; to waive conflicting ordinances for this instance only; and for other purposes. **(Held 7/13/10 for further discussion)**
- 10-R-1343 (8) A Resolution by Councilmembers Kwanza Hall, Michael J. Bond, Aaron Watson, Alex Wan, Felicia A. Moore, Joyce Sheperd, Ivory L. Young, Jr., Natalyn M. Archibong and Carla Smith **as amended by Public Safety and Legal Administration Committee** to establish a Task Force to review the Alcoholic Beverage Licensing Process generally, from application to License Review Board consideration and to the enforcement of Alcoholic Beverage Laws, Ordinances and Regulations; to authorize the Public Safety and Legal Administration Committee to determine the membership structure of the Task Force; and for other purposes. **(Amended and held 7/13/10 for further discussion)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 10-R-1813 (9) A Resolution by Councilmember Michael J. Bond requesting the Atlanta Police Department (APD) to study the feasibility of increasing the collaboration with the Atlanta Public Schools (APS) Security Operations; and for other purposes. **(Held 10/12/10 at the request of the author)**
- 10-O-1880 (10) An Ordinance by Councilmembers Kwanza Hall, Aaron Watson, H. Lamar Willis, Michael J. Bond, Natalyn Archibong, Keisha Lance Bottoms, Alex Wan and Carla Smith authorizing the operation of Human-Drawn Vehicles (Pedicabs) within the City of Atlanta; to establish requirements and regulations for such program; and for other purposes. **(Held 10/26/10 for further review at the request of the author)**
- 10-O-2228 (11) An Ordinance by Councilmember H. Lamar Willis **as amended by Public Safety and Legal Administration Committee** amending the City of Atlanta Code of Ordinances so as to add a new Section 2-1719, prohibition against the use of cell phones by City Employees while operating a vehicle in the performance of city business; and for other purposes. **(Held 12/14/10 for further review by the Law Department.) (Amended and held 3/1/11)**
- 11-R-0772 (12) A Resolution by Councilmembers Michael J. Bond and Ivory Lee Young, Jr. to amend the Contract with U. K. - LaSalle LLC, (an entity affiliated with General Growth Properties, Inc.) for the Administration and Management of the Public Vending Program, so as to grant a first right of refusal to vendors who currently hold vending permits or who formerly held vending permits as of November 21, 2001, for vending locations around Turner Field; and for other purposes. **(Held 5/10/11 for further discussions)**

PAPERS HELD IN COMMITTEE (CONT'D)

- 11-R-0929 (13) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor or his designee to exercise renewal options with Wrecker Service Vendors listed on Contract FC-6008000003 ("Contract"), for Wrecker Services for vehicles under two (2) tons, on behalf of the Department of Police, all revenues generated under this contract shall be deposited as described in this resolution; and for other purposes. **(Referred back by Full Council 10/3/11) (Held 10/11/11 for further review)**
- 11-O-0996 (14) An Ordinance by Councilmembers Felicia A. Moore, Natalyn Archibong, Joyce Sheperd, Michael J. Bond, Yolanda Adrean, Kwanza Hall and Alex Wan to amend Section 62-27.1 of the Code of Ordinances of the City of Atlanta, Georgia, so as to decrease the number of Municipal Court Judges from ten (10) to eight (8); to waive conflicting ordinances and code sections; and for other purposes. **(Referred back by Full Council 7/5/11) (Held 7/11/11 for further review)**
- 11-O-1479 (15) An Ordinance by Councilmember Michael J. Bond to amend Chapter 10, (Alcoholic Beverages) of the City of Atlanta Code of Ordinances to provide for the regulation of package and convenience stores; and for other purposes. **(Held 10/11/11 at the author's request)**
- 12-O-0375 (16) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 70, Article II of the Code of Ordinances of the City of Atlanta, Georgia, entitled "Burglar or Robbery Alarm Systems," for the purpose of regulating Burglary and Robbery Alarm Systems within the City of Atlanta in order to reduce the number of false alarms within the City of Atlanta through more efficient regulation of such alarm systems; to waive conflicting ordinances; and for other purposes. **(Held 5/1/12 for further review)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 12-O-0488 (17) An Ordinance by Councilmember Michael J. Bond **as substituted by Public Safety and Legal Administration Committee** to repurpose General Fund Revenue from City Cell Tower Leases for the Atlanta Police Department Shot Spotter Program; and for other purposes. **(Held 5/1/12 for further review) (Substituted and held 5/15/12)**
- 12-R-0670 (18) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor or his designee to enter into and execute an "Agreement" between the City of Atlanta and Sandy Springs, Georgia for the purpose of providing Automatic and Mutual Aid for emergency and non-emergency responses and the lease for usage of the City of Atlanta's Fire Station 39 by the City of Sandy Springs Fire Department; and for other purposes. **(Held 5/15/12 at the Department request)**
- 12-O-0693 (19) An Ordinance by Councilmembers Michael J. Bond, Natalyn M. Archibong, H. Lamar Willis, C. T. Martin, Kwanza Hall, Keisha Lance Bottom, Carla Smith, Howard Shook, Felicia A. Moore, Aaron Watson, Alex Wan, Joyce Sheperd and Yolanda Adrean amending the Code of Ordinances of the City of Atlanta Part II ("General Ordinances"), Chapter 106 ("Offenses and Miscellaneous Provisions"), Article IV (Offenses Against Public Morals), Division 3 ("Drugs and Other Controlled Substances") by adding a new section prohibiting the use, sale or delivery of certain dangerous substances, sold and marketed as incense, potpourri or novelty aromatics affecting the public health, safety and welfare of the Citizens of Atlanta and providing for a penalty for violation; and for other purposes. **(Held 5/15/12 for further review)**
- 12-O-0774 (20) An Ordinance by Public Safety and Legal Administration Committee amending the City of Atlanta Noise Control Ordinance as set forth in Chapter 74, Article IV, Sec. 74-129 et seq. so that those sections shall read as set forth herein and adding certain new sections to the Noise Control Ordinance; and for other purposes. **(Held 6/12/12 at the request of the Law Department)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 12-O-0781 (21) An Ordinance by Councilmember Michael Julian Bond authorizing the Department of Corrections to discontinue 12-Hour Work Shifts and restore Eight-Hour Work Shifts for Corrections Officers defined as Law Enforcement Employees in the Code of Federal Regulations; and for other purposes.
(Held 5/29/12 for further review)

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There being no further business to come before the Committee, the meeting was adjourned at 3:55 p.m.

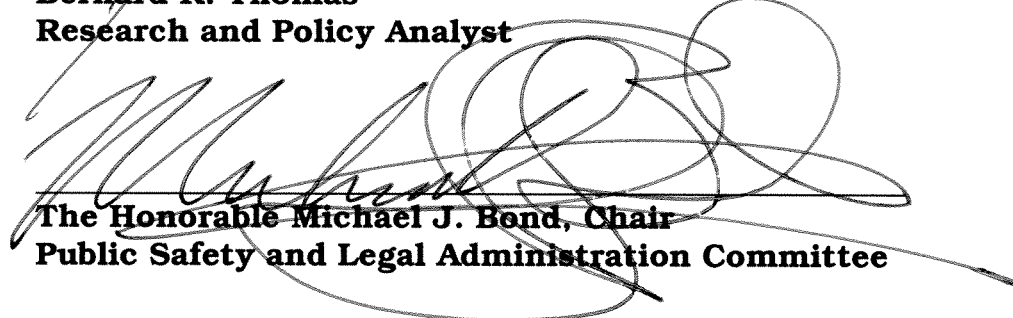
Respectfully Submitted:



Fredrica Cooper
Legislative Assistant



Bernard R. Thomas
Research and Policy Analyst



The Honorable Michael J. Bond, Chair
Public Safety and Legal Administration Committee